

FILED
SCRANTON

FEB 12 2018

IN the United States District Court
FOR the Middle District of PennsylvaniaDARIEL PITTMAN v. UNITED STATES
OF AMERICA.PER 
DEPUTY CLERK

CASE NO.

3:18cv344

CIVIL COMPLAINT BROUGHT UNDER 28 USCS 2761 ET SEQ

I. THIS CIVIL ACTION IS BROUGHT IN PRO SE BY THE COMPLAINANT DARIEL PITTMAN UNDER THE FEDERAL TORT CLAIM ACT OF 28 USCS 2761 ET SEQ. HE HAS EXHAUSTED HIS REMEDIES UNDER THE ADMINISTRATIVE TORT CLAIM PER THE STANDARD FORM 95. SEE, TRT-NER-2017-01789. THE UNITED STATES BY AND THROUGH NEGLIGENCE FAILED TO PROVIDE A VITAL DUTY OF CARE, CF. 18 USCS 4042, BY NEGLIGENCE THE U.S. BREACHED THAT DUTY, THE BREACH CAUSED THE COMPLAINANT HARM AND HE SUFFERED DAMAGES. HE SEEKS \$50,000.00. AS A DEMAND FOR RELIEF.

II. THE SPECIFICS OF THIS COMPLAINT GOES AS FOLLOWS. AT UNITED STATES PENITENTIARY LEWISBURG, PA AS EARLY AS CIRCA NOV. 11-13, 2016, THERE WAS A LARGE SCALE INFECTIOUS GASTROENTERITIS OUTBREAK, SUSPECTED OF SALMONELLA. HUNDREDS OF PRISONERS WERE HARMED. DARIEL PITTMAN BECAME SYMPTOMATIC WITH PAINFUL SIGNS OF FEVERS, ABDOMINAL CRAMPS, MIGRAINE HEADACHES WITH DIARRHEA. THE PRISON WAS PLACED UNDER A QUARANTINED LOCKDOWN CIRCA NOV. 30, 2016, DUE TO THE INFECTIOUS GASTROENTERITIS OUTBREAK, AND PITTMAN WAS PLACED UNDER THAT QUARANTINE. HIS DIARRHEA PROBLEMS WOULD RANGE FROM CONTROLLABLE TO BAD AND UNCONTROLLABLE, CONSISTING OF NINE PAINFUL EPISODES IN A MATTER OF HOURS.

He began to have painful infectious gastroenteritis symptoms after eating a meal from the institutional food trays. The food was prepared by the food department within the prison. Pittman recalls consuming all of his food servings which consisted of chicken, fish, beef and other foods. The court can also reasonably infer that the food trays were contaminated by the food department removing the food trays from the serving line, in direct relation to the quarantine and prisoners illnesses. Before the change of the food trays Pittman was oblivious to the cause of his illnesses. His pain was caused by the negligence of the United States. On about Dec. 7, 2015, Pittman was released after a medical triage from quarantine stating he was asymptomatic.

iii. Daniel Pittman suffered from an infectious gastroenteritis illness in various symptoms. He has submitted his medical record from the prison to support that he was symptomatic as a result of the defendants negligence as complained, supra, the medical record also gives note that the prison did not specify what strain of salmonella infected the prisoners but that an infectious gastroenteritis outbreak was present, and it caused Pittman harm in the form of physical pain and deprived him from the enjoyments of life. Suffering from diarrhea, nausea, headaches, stomach pains and fevers for almost 30 days warrants him to seek \$50,000.00 as a form of relief under 28 USC 2671 et seq.

Daniel Pittman

50985-056

PO box 1000

Lewisburg Pa 17837



U.S. Department of Justice

Federal Bureau of Prisons

Northeast Regional Office

U.S. Custom House-7th Floor
2nd & Chestnut Streets
Philadelphia, PA 19106

January 31, 2018

Dariel Pittman, Reg. No. 50985-056
USP Lewisburg
P.O. Box 1000
Lewisburg, PA 17837

RE: Correspondence
Administrative Claim No. TRT-NER-2017-01789

Dear Mr. Pittman:

We have reviewed your correspondence regarding Administrative Claim No. TRT-NER-2017-01789. You state you are declining our offer to settle the above cited tort claim because the offer is unacceptable due to the pain and suffering you went through.

Our final settlement offer is \$200.00. If this amount is acceptable for settlement, please complete the enclosed voucher, which was sent to you on December 22, 2017, and promptly return it to this office within 45 days of the date of this letter. If the voucher is not received by that date, we will assume that you have deemed the offer as unacceptable.

Sincerely,

A handwritten signature in dark ink, appearing to be "J. Horikawa", is written over the typed name.

Joyce M. Horikawa
Acting Regional Counsel

Enclosure

cc: David J. Ebbert, Warden, USP Lewisburg



U.S. Department of Justice

Federal Bureau of Prisons

Northeast Regional Office

Via Certified and Return Receipt Mail

U.S. Custom House-7th Floor
2nd & Chestnut Streets
Philadelphia, PA. 19106

June 9, 2017

Dariel Pittman, Reg. No. 50985-056
USP Big Sandy
P.O. Box 2068
Inez, KY 41224

RE: Administrative Claim No. TRT-NER-2017-01789

Dear Mr. Pittman:

Your Administrative Claim No. TRT-NER-2017-01789 properly received on December 29, 2016, has been considered for settlement as provided by the Federal Tort Claims Act (FTCA), 28 U.S.C. §2672, under authority delegated to me by 28 C.F.R. §543.30. Damages are sought in the amount of \$50,000.00 based on a personal injury claim. Specifically, you allege you became ill after being served contaminated food at USP Lewisburg.

After careful review of this claim, I have decided a settlement offer will be made in the amount of \$100.00. This amount is based upon our assessment of the relative value of your claim, based on your symptoms and treatment as verified in your medical record, and other factors. This is neither an admission nor denial of government liability.

If this amount is acceptable for settlement, please complete the highlighted portions and sign the enclosed voucher and promptly return it to this office for processing. If the offer is unacceptable, suit may be brought against the United States in the appropriate United States District Court within six (6) months of the date of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "M. D. Tafelski", is written over the typed name.

Michael D. Tafelski
Regional Counsel

cc: David J. Ebbert, Warden, USP Lewisburg



U.S. Department of Justice
Federal Bureau of Prisons
Northeast Regional Office

*U.S. Custom House-7th Floor
2nd & Chestnut Streets
Philadelphia, PA. 19106*

July 10, 2017

Dariel Pittman, Reg. No. 50985-056
USP Big Sandy
P.O. Box 2068
Inez, KY 41224

Re: Request for Reconsideration **Received July 6, 2017**
Claim No. TRT-NER-2017-01789

Dear Mr. Pittman:

This will acknowledge receipt of your request for reconsideration on your administrative claim for an alleged personal property or personal injury suffered at USP Lewisburg.

Under the provisions of the applicable federal statutes, we have **six months from the date of receipt** to review, consider, and adjudicate your claim.

All correspondence regarding this claim should be addressed to Federal Bureau of Prisons, Northeast Regional Office, Room 701, U.S. Custom House, 2nd & Chestnut Street, Philadelphia, Pennsylvania 19106. If the circumstances surrounding this claim change in any fashion, you should contact this office immediately. Also, should your address change, you should advise this office accordingly.

Sincerely,

A handwritten signature in dark ink, appearing to read "M. Tafelski", is written over the word "Sincerely,".

Michael D. Tafelski
Regional Counsel

**Bureau of Prisons
Health Services
Vitals All**

Begin Date: 11/11/2016**End Date:** 12/25/2016**Reg #:** 50985-056**Inmate Name:** PITTMAN, DARIEL TYREE**Temperature:**

<u>Date</u>	<u>Time</u>	<u>Fahrenheit</u>	<u>Celsius</u>	<u>Location</u>	<u>Provider</u>
11/30/2016	09:02 LEW	98.2	36.8	Oral	Fahringer, Matthew NRP
Orig Entered: 11/30/2016 14:00 EST Fahringer, Matthew NRP					
11/30/2016	07:42 LEW	97.8	36.6	Oral	Fahringer, Matthew NRP
Orig Entered: 11/30/2016 14:00 EST Fahringer, Matthew NRP					

Pulse:

<u>Date</u>	<u>Time</u>	<u>Rate Per Minute</u>	<u>Location</u>	<u>Rhythm</u>	<u>Provider</u>
11/30/2016	09:02 LEW	109	Via Machine		Fahringer, Matthew NRP
Orig Entered: 11/30/2016 14:00 EST Fahringer, Matthew NRP					
11/30/2016	07:42 LEW	82	Via Machine		Fahringer, Matthew NRP
Orig Entered: 11/30/2016 14:00 EST Fahringer, Matthew NRP					

Blood Pressure:

<u>Date</u>	<u>Time</u>	<u>Value</u>	<u>Location</u>	<u>Position</u>	<u>Cuff Size</u>	<u>Provider</u>
11/30/2016	09:02 LEW	145/101	Left Arm	Standing	Adult-regular	Fahringer, Matthew NRP
Orig Entered: 11/30/2016 14:00 EST Fahringer, Matthew NRP						

**Bureau of Prisons
Health Services
Inmate Intra-system Transfer**

Reg #: 50985-056

Inmate Name: PITTMAN, DARIEL TYREE

SENSITIVE BUT UNCLASSIFIED – This information is confidential and must be appropriately safeguarded.

Transfer To: BSY

Transfer Date: 12/27/2016

Health Problems

<u>Health Problem</u>	<u>Status</u>
Dermatophytosis of foot (Tinea pedis)	Current
Acute postoperative pain, other	Current
Acute upper respiratory infection of unspec site	Current
Allergic rhinitis due to pollen	Current
Sinus, other disease of nasal cavity and sinuses	Current
Dental caries extending into dentine	Current
Stiffness of joint, not elsewhere classified	Current
Myalgia and myositis, unspecified	Current
Knee and leg, sprain and strain	Current
Open wound of cheek w/o mention of complication	Current
Hand, superficial injury, w/o infection	Current
Contusion of eyelids and periocular area	Current
Infectious gastroenteritis and colitis, unspecified	Current
suspected salmonella	
Antisocial Personality Disorder	Current
Allergic rhinitis	Current
Counseling on other sexually transmitted diseases	Current
Examination for medicolegal reasons	Current
Examination for medicolegal reasons	Current
No physical injuries.	
Examination for medicolegal reasons	Current
Other specified general medical examination	Current
Unspecified examination	Current
Screening examination for oth spec viral diseases	Current
2/12 - HBV imm, HCV neg	
Screening for oth and unspec genitourinary cond	Current
Dermatophytosis groin & perianal (Tinea cruris)	Remission

**Medications: All medications to be continued until evaluated by a physician unless otherwise indicated.
Bolded drugs required for transport.**

None

OTCs: Listing of all known OTCs this Inmate is currently taking.

None

Pending Appointments

<u>Date</u>	<u>Time</u>	<u>Activity</u>	<u>Provider</u>
07/24/2017	00:00	PPD Administration	Nurse

TB Clearance: Yes

Last PPD Date: 07/24/2016

Last Chest X-Ray Date: _____

TB Treatment: _____

TB Follow-up Recommended: No

Induration: 0mm

Results: _____

Sx free for 30 days: Yes

Sickle Cell:

Sickle Cell Trait/Disease: No

Reg #: 50985-056

Inmate Name: PITTMAN, DARIEL TYREE

SENSITIVE BUT UNCLASSIFIED – This information is confidential and must be appropriately safeguarded.

Limitations/Restrictions/Diets:

Cleared for Food Service: Yes

Comments:**Allergies**

No Known Allergies

Devices / Equipment

Splint

Travel:

Direct Travel: No

Travel Restrictions: None**UNIVERSAL PRECAUTIONS OBSERVED WHEN TRANSPORTING ANY INMATE:**Transfer From Institution: LEWISBURG USPPhone Number: 5705231251Address 1: 2400 ROBERT F. MILLERAddress 2: DRIVECity/State/Zip: LEWISBURG, Pennsylvania
17837Name/Title of Person Completing Form: Fahringer, Matthew NRPDate: 12/16/2016Inmate Name: PITTMAN, DARIEL TYREEReg #: 50985-056DOB: 08/27/1988Sex: M

**Bureau of Prisons
Health Services
Clinical Encounter**

Inmate Name: PITTMAN, DARIEL TYREE
Date of Birth: 08/27/1988
Encounter Date: 11/30/2016 13:58

Sex: M Race: BLACK
Provider: Fahringer, Matthew NRP

Reg #: 50985-056
Facility: LEW
Unit: D02

EMT/Para - Evaluation encounter performed at Health Services.

SUBJECTIVE:

COMPLAINT 1 Provider: Fahringer, Matthew NRP

Chief Complaint: Diarrhea

Subjective: "My diarrhea is still bad."

Pain: No

OBJECTIVE:

Temperature:

Date	Time	Fahrenheit	Celsius	Location	Provider
11/30/2016	09:02 LEW	98.2	36.8	Oral	Fahringer, Matthew NRP
11/30/2016	07:42 LEW	97.8	36.6	Oral	Fahringer, Matthew NRP

Pulse:

Date	Time	Rate Per Minute	Location	Rhythm	Provider
11/30/2016	09:02 LEW	109	Via Machine		Fahringer, Matthew NRP
11/30/2016	07:42 LEW	82	Via Machine		Fahringer, Matthew NRP

Blood Pressure:

Date	Time	Value	Location	Position	Cuff Size	Provider
11/30/2016	09:02 LEW	145/101	Left Arm	Standing	Adult-regular	Fahringer, Matthew NRP

Exam:

General

Affect

Yes: Cooperative

Appearance

Yes: Appears Well, Alert and Oriented x 3

No: Appears Distressed, Appears in Pain, Writhing in Pain

Skin

General

Yes: Within Normal Limits, Dry, Skin Intact, Warmth

ASSESSMENT:

Diarrhea

I/M seen during rounds and was triaged at cell door. I/M came to UCR for evaluation of GI symptoms. I/M complaining of fever, abdominal cramps, and 9 episodes of diarrhea I/M's skin was warm and dry. Vitals were assessed. I/M returned to his cell and will be placed on quarantine.

PLAN:

Disposition:

Follow-up at Sick Call as Needed

Return Immediately if Condition Worsens

Inmate Name: PITTMAN, DARIEL TYREE

Date of Birth: 08/27/1988

Encounter Date: 11/30/2016 13:58

Sex: M Race: BLACK

Provider: Fahringer, Matthew NRP

Reg #: 50985-056

Facility: LEW

Unit: D02

Follow-up in 12-24 Hours

Patient Education Topics:**Date Initiated Format**

11/30/2016 Counseling

Handout/Topic

Access to Care

Provider

Fahringer, Matthew

OutcomeVerbalizes
Understanding**Copay Required:** No**Cosign Required:** Yes**Telephone/Verbal Order:** No

Completed by Fahringer, Matthew NRP on 11/30/2016 14:06

Requested to be cosigned by Shaw, Megan MD.

Cosign documentation will be displayed on the following page.

**Bureau of Prisons
Health Services
Clinical Encounter**

Inmate Name: PITTMAN, DARIEL TYREE
Date of Birth: 08/27/1988
Encounter Date: 12/07/2016 10:20

Sex: M Race: BLACK
Provider: Ayers, Jessie PA-C

Reg #: 50985-056
Facility: LEW
Unit: X04

Mid Level Provider - Follow up Visit encounter performed at Special Housing Unit.

SUBJECTIVE:

COMPLAINT 1 **Provider:** Ayers, Jessie PA-C

Chief Complaint: Diarrhea

Subjective: Inmate states he is feeling better and has not had any diarrhea in 3 days

Pain: No

OBJECTIVE:

Exam:

General

Affect

Yes: Pleasant, Cooperative

Appearance

Yes: Appears Well, Alert and Oriented x 3

No: Appears Distressed, Jaundiced, Lethargic

Skin

General

Yes: Within Normal Limits

Mouth

General

Yes: Within Normal Limits

Exam Comments

Good skin turgor

ASSESSMENT:

Unspecified examination, V72.9 - Current

PLAN:

Disposition:

Follow-up at Sick Call as Needed

Other:

Inmate to continue with increased fluid intake and eat small bland meals. Symptomatic free for 72 hours. Will release from isolation. Inmate to follow up as needed. Stressed good hand washing to inmate.

Patient Education Topics:

<u>Date Initiated</u>	<u>Format</u>	<u>Handout/Topic</u>	<u>Provider</u>	<u>Outcome</u>
12/07/2016	Counseling	Diet	Ayers, Jessie	Attentive

Inmate Name: PITTMAN, DARIEL TYREE

Date of Birth: 08/27/1988

Sex: M Race: BLACK

Reg #: 50985-056

Encounter Date: 12/07/2016 10:20

Provider: Ayers, Jessie PA-C

Facility: LEW

Unit: X04

Copay Required: No

Cosign Required: No

Telephone/Verbal Order: No

Completed by Ayers, Jessie PA-C on 12/07/2016 10:23

**Bureau of Prisons
Health Services
Clinical Encounter - Administrative Note**

Inmate Name:	PITTMAN, DARIEL TYREE	Reg #:	50985-056
Date of Birth:	08/27/1988	Sex:	M Race: BLACK
Note Date:	12/05/2016 14:30	Facility:	LEW
		Unit:	X04
		Provider:	Schoonover, Amy J RN

Admin Note - General Administrative Note encounter performed at Health Services.

Administrative Notes:

ADMINISTRATIVE NOTE 1 **Provider:** Schoonover, Amy J RN

I/M seen at cell door by Ayers PA-C for follow up s/p GI symptoms. Per report, I/M reports no diarrhea since 11/30/16. Continue quarantine at this time due to cellmate continues to be symptomatic.

Copay Required: No

Cosign Required: Yes

Telephone/Verbal Order: No

Completed by Schoonover, Amy J RN on 12/05/2016 14:32

Requested to be cosigned by Edinger, Andrew MD/CD.

Cosign documentation will be displayed on the following page.

Requested to be reviewed by Ayers, Jessie PA-C.

Review documentation will be displayed on the following page.

**Bureau of Prisons
Health Services
Health Problems**

Reg #: 50985-056

Inmate Name: PITTMAN, DARIEL TYREE

Description	Axis	Code	Type	Code	Diag. Date	Status	Status Date
Current							
Dermatophytosis of foot (Tinea pedis)	III	ICD-9		110.4	08/06/2014	Current	08/06/2014
08/06/2014 12:51 EST Miranda, Jeannette FNP-BC							
Acute postoperative pain, other	III	ICD-9		338.18	08/20/2010	Current	08/20/2010
08/20/2010 16:30 EST George, David DDS, CDO							
Acute upper respiratory infection of unspec site	III	ICD-9		465.9	06/06/2011	Current	06/06/2011
06/06/2011 12:04 EST Alama, F. MLP							
Allergic rhinitis due to pollen	III	ICD-9		477.0	06/22/2010	Current	06/22/2010
06/22/2010 14:13 EST Refendorf, Rufo MLP							
Sinus, other disease of nasal cavity and sinuses	III	ICD-9		478.19	12/30/2014	Current	12/30/2014
12/30/2014 10:02 EST Fasciana, Francis MLP							
Dental caries extending into dentine	III	ICD-9		521.02	01/08/2010	Current	01/08/2010
01/08/2010 14:06 EST George, David DDS, CDO							
Stiffness of joint, not elsewhere classified	III	ICD-9		719.5	03/11/2015	Current	03/11/2015
03/11/2015 13:40 EST Lupold, Todd PA-C							
Myalgia and myositis, unspecified	III	ICD-9		729.1	05/04/2011	Current	05/04/2011
05/04/2011 10:45 EST Alama, F. MLP							
Knee and leg, sprain and strain	III	ICD-9		844.9	09/30/2013	Current	09/30/2013
09/30/2013 12:00 EST Nikbakht, S. MLP							
Open wound of cheek w/o mention of complication	III	ICD-9		873.41	09/18/2009	Current	09/18/2009
09/18/2009 11:24 EST Urbano, Billy MLP							
Hand, superficial injury, w/o infection	III	ICD-9		914.8	10/08/2010	Current	10/08/2010
10/08/2010 15:11 EST Urbano, Billy MLP							

Reg #: 50985-056

Inmate Name: PITTMAN, DARIEL TYREE

Description	Axis	Code Type	Code	Diag. Date	Status	Date
Contusion of eyelids and perocular area						
09/01/2009 20:57 EST Urbano, Billy MLP	III	ICD-9	921.1	09/01/2009	Current	09/01/2009
Infectious gastroenteritis and colitis, unspecified						
12/07/2016 14:58 EST Miosi, Heather RN/IO/IDC suspected salmonella		ICD-10	A09	12/07/2016	Current	
Cannabis Use Disorder, Severe						
03/14/2017 15:13 EST Saunders, Stacy PsyD	I	DSM-IV	F12.	03/14/2017	Current	
Antisocial Personality Disorder						
02/01/2016 14:46 EST Enigk, Jennifer PsyD	II	DSM-IV	F60.2*b	02/01/2016	Current	02/01/2016
Allergic rhinitis						
05/26/2016 10:05 EST Seroski, Jennifer PA-C		ICD-10	J309	05/26/2016	Current	
Counseling on other sexually transmitted diseases						
10/24/2009 22:14 EST Refendor, Rufo MLP	III	ICD-9	V65.45	10/24/2009	Current	10/24/2009
Examination for medicolegal reasons						
07/06/2010 20:44 EST Urbano, Billy MLP	III	ICD-9	V70.4	07/06/2010	Current	07/06/2010
Examination for medicolegal reasons						
04/21/2010 14:38 EST Refendor, Rufo MLP	III	ICD-9	V70.4	04/21/2010	Current	04/21/2010
No physical injuries.						
Examination for medicolegal reasons						
04/14/2010 14:36 EST Refendor, Rufo MLP	III	ICD-9	V70.4	04/14/2010	Current	04/14/2010
Other specified general medical examination						
03/03/2011 09:17 EST Alama, F. MLP	III	ICD-9	V70.8	03/03/2011	Current	03/03/2011
Unspecified examination						
11/16/2009 17:49 EST Sorenson, James NP	III	ICD-9	V72.9	11/16/2009	Current	11/16/2009
Screening examination for oth spec viral diseases						
02/27/2012 14:00 EST Buschman, Brian MD 2/12 - HBV imm, HCV neg	III	ICD-9	V73.89	02/27/2012	Current	02/27/2012
Screening for oth and unspec genitourinary cond						
03/23/2011 15:21 EST Alama, F. MLP	III	ICD-9	V81.6	03/23/2011	Current	03/23/2011

Reg #: 50985-056

Inmate Name: PITTMAN, DARIEL TYREE

Description	Axis	Code Type	Code	Diag. Date	Status	Status Date
Remission						
Dermatophytosis groin & perianal (Tinea cruris)	III	ICD-9	110.3	11/05/2013	Remission	11/05/2013
11/05/2013 12:04 EST Henderson, Joshua PA						
Resolved						
Dental caries extending into pulp	III	ICD-9	521.03	05/29/2015	Resolved	05/29/2015
02/23/2016 07:20 EST SYSTEM						
Extracted #16 5/29/15	III	ICD-9	521.03	05/29/2015	Resolved	05/29/2015
05/29/2015 10:46 EST Baker, G. DDS						
Extracted #16 5/29/15						
Dental examination	III	ICD-9	V72.2	03/17/2011	Resolved	03/17/2011
02/23/2016 07:20 EST SYSTEM	III	ICD-9	V72.2	03/17/2011	Resolved	03/17/2011
03/17/2011 09:51 EST Ippolito, S. DDS						

Total: 27

Inmate Name: Daniel Tyree Pittman
Register Number: 50985-056
United States Penitentiary
P.O. Box 1000
Lewisburg, PA 17837

FEB 08 2018

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FEB 12 2018

PER

DEPUTY CLERK

* LEGAL MAIL *